IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4261 OF 2006

Suhas V. Ramchandre & Ors. ....Petitioners

V/s.

Sachin S. Gargate ....Respondent

Mr.Omesh Mankapure i/b J. Shekhar & Co. for the Petitioner.

CORAM : R.M. SAVANT, J.
DATED : 7TH JUNE, 2007.

P.C. :

1. This Petition takes exception to the order dated 18.3.2006 passed by the learned Charity Commissioner in Misc. Application No.52 of 2005 for transfer of the proceedings from the Joint Charity Commissioner, Pune Shri S.Y. Padhye in the application made under Section 41-D of the Bombay Public Trust Act by Respondent No.1.

2. Respondent No.1 is the husband of Petitioner No.6 herein. The bone of contention is the trust known as "Gurukul Education Society" of which originally Respondent No.1 was a trustee. But now Petitioner No.6 is the President. The trust runs

Gurukul School in Satara district and some other districts of the State.

3. It is the case of the Petitioners that the learned Joint Charity Commissioner was biased against them. These the Petitioners sought to support on the ground that the learned Joint Charity Commissioner has proceeded with the matter expeditiously and had also made some remarks against the Petitioners during the course of hearing of the said application. The Petitioners therefore apprehend that they would not get justice at the hands of the learned Joint Charity Commissioner. The Charity Commissioner heard the said application No.52 of 2005, considered the case made out by the Petitioners of bias etc. and came to a conclusion that sufficient grounds have not been made for transfer of the said proceedings.

4. I do not find any error committed by the learned Charity Commissioner in passing the impugned order and therefore no case is made out for interference under the writ jurisdiction of this Court under Article 227 of the Constitution of India.

5. Needless to say that the learned Joint Charity Commissioner will give adequate opportunity to

the Petitioners and decide the application under Section 41-D of the said Act on its own merits and in accordance with law.

6. With the aforesaid observations, the Writ Petition is dismissed.

(R.M. SAVANT, J)